

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

**v.**

**BRIAN GILBERT,**

**Defendant**

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**CRIMINAL NO. PWG-20-374**

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**CONSENT MOTION FOR  
PROTECTIVE ORDER REGULATING DISCOVERY MATERIALS**

The United States of America, by and through its undersigned attorneys, and with the consent of counsel for the Defendant, hereby moves for entry of a protective order regulating discovery in this case.

**I. Background**

Defendant Brian Gilbert (“Defendant”) was charged by indictment on November 2, 2020, with six counts of production of child pornography, in violation of 18 U.S.C. § 2251(a), two counts of distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2), and one count of possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B). The investigation of the Defendant involved the Defendant’s use of websites dedicated to child pornography. Other users of those websites are subject to ongoing investigation.

**II. Basis for Motion**

Federal Rule of Criminal Procedure 16(d)(1) grants district courts the authority to enter protective orders regulating discovery. Discovery materials that the Government intends to produce include law enforcement sensitive items related to the ongoing investigation of the websites and other individuals suspected of engaging in online child sexual exploitation. Any

further dissemination of the Government's investigative materials, including search warrant affidavits, reports of investigation, witness statements, and seized electronic data, and the information contained therein, could seriously jeopardize those continuing investigations.

### **III. Requested Order**

The Government requests that the Court enter a protective order, a proposed copy of which is attached to this motion, which prohibits the dissemination of the discovery materials (including the information contained in them), which reference the underlying investigative techniques that led to the identification of the Defendant and/or the names of the websites, to anyone other than defense counsel and other members of the Defendant's litigation and investigative team, and which further requires that if any such materials are filed they shall be filed under seal and shall remain sealed unless and until otherwise ordered by this Court.

Counsel for the Defendant, Liz Oyer, consents to this motion.

### **IV. Conclusion**

For the above reasons, and for good cause shown, the United States respectfully moves this Court to enter the proposed Protective Order.

Date: December 2, 2020

Respectfully submitted,

ROBERT K. HUR  
UNITED STATES ATTORNEY

*s/ Jessica L. Urban*  
LEAH B. GROSSI  
Assistant United States Attorney

JESSICA L. URBAN  
Trial Attorney  
Child Exploitation & Obscenity Section  
U.S. Department of Justice

**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2020, I filed this document electronically using the CM/ECF system and thereby caused a copy of the same to be served on all counsel of record.

*s/ Jessica L. Urban*

JESSICA L. URBAN

Trial Attorney

Child Exploitation & Obscenity Section

U.S. Department of Justice